



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Ms. D. Kay Woods
Abernathy, Roeder, Robertson & Joplin
P.O. Box 1210
McKinney, Texas 75069-1210

OR95-872

Dear Ms. Woods:

On behalf of the City of Frisco Fire Department (the "city"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34274.

The city received a request for a copy of the fire run report, EMS report, photographs, and any other document relating to a certain automobile accident. You assert that the requested information is excepted from required public disclosure based on section 552.101¹ of the Government Code in conjunction with two statutes, V.T.C.S. article 4495b, section 5.08 and section 773.091(b) of the Health and Safety Code. You note that while both of these statutes contain provisions that grant access to the requested information, *see* V.T.C.S. art. 4495b §§ 5.08(b), (h), (j), (k); Health and Safety Code §§ 773.092(e), 773.093, the requirements for release of the requested information pursuant to either statute are not met here.

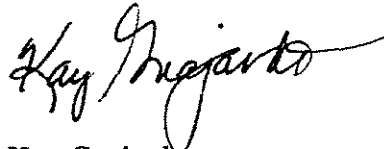
We agree that the requestor here is not entitled to the requested information pursuant to the access provisions in either statute. *See* Open Records Decision No. 598 (1991). Nor is the requested information available to the requestor pursuant to the exceptions to confidentiality set out in both statutes. *See* V.T.C.S. art. 4495b § 5.08(g); Health and Safety Code § 773.092. We conclude that section 773.091 of the Health and Safety Code controls the release of the requested information. *See* Open Records

¹Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law.

Decision No. 598 (1991). Subsection (b) of that provision makes the requested records confidential. However, subsection (g) of section 773.091 provides that the confidentiality that attaches to records pursuant to subsection (b) does not extend to information regarding "the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services." Thus, with the exception of the information listed in subsection (g) of section 773.091 of the Health and Safety Code, the city must withhold from required public disclosure the requested information based on section 552.101 of the Government Code in conjunction with section 773.091(b) of the Health and Safety Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a stylized flourish at the end.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 34274

Enclosures: Submitted documents

cc: Mr. Mark A. Byrd
Investigator
Byrd Investigations, Inc.
P.O. Box 850281
Mesquite, Texas 75185-0281